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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,447	06/14/2006	Bram Jan Willem Antoon Bruckers	NL031477US1	6781
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EXAMINER WILLIAMS, ARUN C				
ART UNIT 2838		PAPER NUMBER		
MAIL DATE 02/26/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,447

Applicant(s)

BRUEKERS ET AL.

Examiner

ARUN WILLIAMS

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 6-10, 13, 14, 15, 19, and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/14/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This is in response to an amendment/response filed on 11/20/2008

Claims 1-11 have been amended.

No claims have been cancelled.

Claims 13-20 have been newly added.

Hereon, claims 1-20 are currently pending wherein claims 1,2-5,11,16,17,18 are rejected and claims 6-10,13,14,15,19, and 20 are objected

Response to Arguments

Applicant's arguments filed 11/20/2008 have been fully considered but are now moot in view of the new grounds of rejection necessitated by amendment.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the test circuit must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1,5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable by Takamura et al, (Takamura), USNO.(2004/0113798) in view of Misawa et al,(Misawa), USNO.(2003/0160886)**

As for claim 1, Takamura discloses and shows in Fig. 1 an emergency lighting device comprising: an illumination amp (13) for illuminating a surrounding area, an ultra-capacitor (37) that is configured to provide electrical energy to power the lamp (13), a charging arrangement (33) that is configured to charge the ultra-capacitor (par.[0016]).

Takamura discloses all limitations, but differs from the claimed invention because he does not explicitly disclose a controller that is configured to activate the lamp and control the charging arrangement.

Misawa discloses a controller (230) that is configured to activate the lamp and control the charging arrangement (par.[0218]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Takamura by using a controller that is configured to activate the lamp and control the charging arrangement for advantages

such as providing the ability to time the light emission (par.[0218]) , as taught by Misawa.

As for claim 5, Takamura discloses the charging arrangement (33) is configured to apply an essentially fixed voltage or current to the ultra-capacitor (par. [0017]).

As for claim 11, Takamura discloses and show in Fig. 1 a plurality of emergency lighting devices (14) (par.[0013]).

6. Claims 2-4,12,16,17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable by Takamura in view of Misawa and further in view of Leis et al, (Leis), USNO.(2006/014846)

As for claims 2,4, and 12, Takamura in view of Misawa discloses all limitations, but differs from the claimed invention because he does not explicitly a test unit that is configured to measure an impedance of the ultra-capacitor.

Leis discloses a test unit that is configured to measure an impedance of the ultra-capacitor (par.[0057]). Furthermore, Leis discloses alternating current impedance, the test circuit is configured to apply an alternating voltage to the ultra-capacitor and measure an alternating current flowing in response thereto through the ultra-capacitor. (par.[0057])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Takamura modified by Misawa by using a test unit that is configured to measure an impedance of the ultra-capacitor and applying an alternating voltage to the ultra-capacitor and measure an alternating current flowing in

response thereto through the ultra-capacitor for advantages such as providing the ability to determine a series resistance of a capacitor (par.[0057]), as taught by Leis.

As for claim 3, Takamura in view of Misawa and Leis discloses all limitations of the claimed invention except the impedance comprises leakage impedance. However, these limitations are considered as intended use and thus further, having the impedance comprising leakage impedance doesn't solve any stated problem or is for any particular purpose and it appears that the invention would perform without these intended use.

As for claims 16, 1, and 18, these were already explained in the above rejections.

Allowable Subject Matter

7. Claims 6-10, 13, 14, 15, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARUN WILLIAMS whose telephone number is (571)272-9765. The examiner can normally be reached on Mon - Thurs, 6:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Akm Enayet Ullah/
Supervisory Patent Examiner, Art Unit 2838

Arun Williams
Examiner
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/A. W./

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